



Docket No. CT-317

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Huang, et al.

Serial No. 09/458,109

Filed: December 8, 1999

For: DVD SUBPICTURE RENDERING
WITHOUT LOSS OF COLOR
RESOLUTION

) Art Unit:

) Examiner:

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail, in an envelope addressed to:
Assistant Commissioner for Patents
Washington, D.C. 20231

on

5/22/02
Date

Tara Hayden

**PETITION FOR ACCEPTANCE OF DECLARATION WHERE AN
INVENTOR CANNOT BE FOUND UNDER 37 C.F.R. 1.47**

Honorable Assistant Commissioner

for Patents

Washington, D.C. 20231

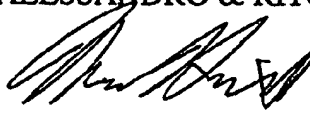
Dear Sir:

A partially completed declaration accompanies this petition. The declaration is missing Mr. Wayne Huang's signature. A diligent effort was made to contact Mr. Huang including attempts to mail and telephone him.

An affidavit completed by Tara Hayden accompanies this petition. The affidavit outlines the steps that were taken by Ms. Hayden to get Mr. Huang's cooperation in this matter and the results of those efforts. Accordingly, it is respectfully requested that the

Patent and Trademark Office accept the declaration under 37 C.F.R. § 1.47, which provides for such circumstances.

Respectfully submitted,
D'ALESSANDRO & RITCHIE



Dated: May 22, 2000

Marc S. Hanish
Reg. No. 42,626

D'Alessandro & Ritchie
P.O. Box 640640
San Jose, CA 95164-0640
(408) 441-1100



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AFFIDAVIT OF TARA HAYDEN

STATE OF California)

COUNTY OF Santa Clara)

Tara Hayden, being duly sworn, does hereby depose and say as follows:

1. I am an administrative assistant at the law firm of D'Alessandro &

Ritchie, 1731 Technology Dr., Suite 700, San Jose, CA 95110.

2. One of my responsibilities is to contact inventors and arrange for them to sign declarations, assignments, and powers of attorney forms for patent applications filed by D'Alessandro & Ritchie.

3. Several attempts have been made to contact Wayne Huang by telephone and by mail.

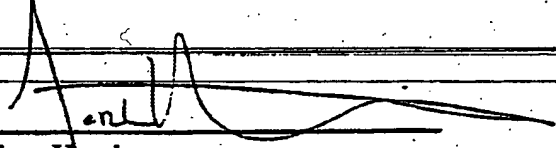
4. Specifically, No response was received.

5. Furthermore, phone messages left on March 3, 2000 at 10:52 am (left message on recorder), March 8, 2000 at 1:03pm (left message with wife), March 13, 2000 at 12:13pm (left message on recorder); March 20, 2000 at 3:34pm (left message on recorder), and March 31, 2000 at 2:11pm (left message with wife) were not returned.

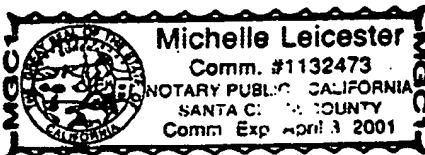
6. Wayne Huang's last known address was 58 Twinkle Court, Milpitas, California 95035.


7. Based upon the foregoing, it is my belief that we are unable to obtain a signed declaration from Wayne Huang.

Further deponent sayeth not.


Tara Hayden

Sworn and subscribed to before me this 22nd day of May, 2000.




Notary Public

MICHELLE LEICESTER, NOTARY PUBLIC

My commission expires 4/3/01



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Art Unit:

Examiner:

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail, in an envelope addressed to:

Assistant Commissioner for Patents
Attn: Box Missing Parts
Washington D.C. 20231

on 5/22/00
Date

Tara Hayden

RESPONSE TO NOTICE TO FILE MISSING PARTS

Honorable Assistant Commissioner
for Patents
Washington, D.C. 20231

BEST AVAILABLE COPY

Sir:

Responsive to the Notice to File Missing Parts dated January 20, 2000, please find enclosed herewith:

1. Declaration executed by the inventor;
2. Power of Attorney executed by an officer of assignee, Chips and Technologies, LLC.;

3. Check in the amount of \$1,292.00 for filing fee and surcharge for assignee as a large entity calculated as follows:


Basic filing fee - Fee Code 101	\$ 690.00
4 additional independent claim(s) - Fee Code 102	\$ 312.00
5 additional claims in excess of twenty - Fee Code 103	\$ 90.00
<u>Surcharge - Fee Code 105</u>	<u>\$ 130.00</u>
Total	\$1,292.00

4. Copy of Notice to File Missing Parts.

The Assistant Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 04-0025. A duplicate of this transmittal page is enclosed.

Respectfully submitted,
D'ALESSANDRO & RITCHIE

Dated: May 22, 2000


Mare S. Hanish
Reg. No. 42,626

D'Alessandro & Ritchie
P.O. Box 640640
San Jose, CA 95164-0640
(408) 441-1100

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COPY



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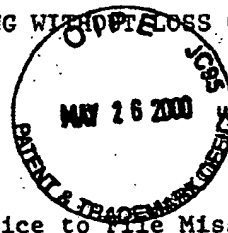
Please acknowledge receipt of the following by affixing hereon the Patent Office date stamp and returning this card to our office.

Inventor(s): Huang, et al.

Serial No.: 09/458,109

Filing Date: December 8, 1999

Title: DVD SUBPICTURE RENDERING WITHOUT LOSS OF COLOR RESOLUTION



Docket No.: CT-317

O.A. Date: January 20, 2000

Papers Filed: 1. Response to Notice to File Missing Parts

and copy of page 2;

2. Combined Declaration/Powers of Attorney;

3. Petition for Acceptance of Declaration; *with check for \$380.00*

4. Affidavit of Tara Hayden;

5. Request for Extension of Time with check in the amount of \$380.00;

6. \$1,292.00 Surcharge and Filing Fee; and

7. Copy of Response to Notice to File Missing Parts.

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D'ALESSANDRO & RITCHIE
A PROFESSIONAL CORPORATION
1731 TECHNOLOGY DRIVE, SUITE 700
SAN JOSE, CA 95110
(408) 441-1100

UNION BANK OF CALIFORNIA
99 ALMADEN BLVD., STE. 200
SAN JOSE, CA 95113
11-49/1210

09402

3/24/00

Commissioner of Patents & Trademarks

\$ **1,292.00

One Thousand Two Hundred Ninety-Two and 00/100*****

Commissioner of Patents & Trademarks

DOLLARS
Security features
included.
Details on back.

Washington, D.C. 20231

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MEMO CT-317, Filing fee

⑈009402⑈ ⑆121000497⑆3160017499⑈

D'ALESSANDRO & RITCHIE
A PROFESSIONAL CORPORATION
1731 TECHNOLOGY DRIVE, SUITE 700
SAN JOSE, CA 95110
(408) 441-1100

UNION BANK OF CALIFORNIA
99 ALMADEN BLVD., STE. 200
SAN JOSE, CA 95113
11-49/1210

09670

5/22/00

PAY TO THE ORDER OF Commissioner of Patents & Trademarks

\$ **380.00

Three Hundred Eighty and 00/100*****

Commissioner of Patents & Trademarks

DOLLARS
Security features
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Details on back.

Washington, D.C. 20231

MEMO CT-317, Code 116

⑈009670⑈ ⑆121000497⑆3160017499⑈

D'ALESSANDRO & RITCHIE
A PROFESSIONAL CORPORATION
1731 TECHNOLOGY DRIVE, SUITE 700
SAN JOSE, CA 95110
(408) 441-1100

UNION BANK OF CALIFORNIA
99 ALMADEN BLVD., STE. 200
SAN JOSE, CA 95113
11-49/1210

09671

5/22/00

PAY TO THE ORDER OF Commissioner of Patents & Trademarks

\$ **130.00

One Hundred Thirty and 00/100*****

Commissioner of Patents & Trademarks

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included.
Details on back.

Washington, D.C. 20231

MEMO CT-317, Code 122

⑈009671⑈ ⑆121000497⑆3160017499⑈

**DECLARATION & POWER OF ATTORNEY**

As a below-named inventor, I hereby declare that:

My correct residence, post office address and citizenship are stated below next to my name.

I believe myself to be the original, first and sole inventor (if only one name is listed below) or an original and first joint inventor (if more than one name is listed below) of the subject matter which is disclosed and claimed and for which a patent is sought on the invention entitled:

"DVD Subpicture Rendering Without Loss of Color Resolution"

The specification of this subject matter:

- ☐ is attached hereto.
- ☒ was filed on December 8, 1999;
was assigned serial No. 09/458,109;
which was amended on _____.

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I hereby state that I have reviewed and understand the contents of the above identified patent application, including the claims, as amended by any amendment(s) referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. §1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. §119 (a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

Number	Country	Month/Day/Year Filed	Yes	No
Number	Country	Month/Day/Year Filed	Yes	No
Number	Country	Month/Day/Year Filed	Yes	No

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

Application Number

Filing Date

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Application Number

Filing Date

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in these prior United States application(s) in the manner provided by 35 U.S.C. §112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

Application No. Filing Date Status (Issued, Pending, Abandoned)

Application No. Filing Date Status (Issued, Pending, Abandoned)

Application No. Filing Date Status (Issued, Pending, Abandoned)

Application No. Filing Date Status (Issued, Pending, Abandoned)

I hereby appoint Kenneth D'Alessandro, Registration No. 29,144; David B. Ritchie, Registration No. 31,562; Marc S. Hanish, Registration No. 42,626; John P. Schaub, Registration No. 42,125; Gerhard W. Thielman, Registration No. 43,186; Reynaldo C. Barceló, Registration No. 42,290; Lee M. Pederson, Registration No. 38,269; and Nathan R. Rieth, Registration No. 44,302 as attorneys of record with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith, and certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment, a copy of which is attached, from the inventor(s) of the patent application identified above.

Please send all correspondence and direct all telephone calls to:

David B. Ritchie
D'Alessandro & Ritchie
P.O. Box 640640
San Jose, CA 95164-0640
Telephone (408) 441-1100

I, the undersigned, declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

FULL NAME OF INVENTOR 1	FIRST Name	MIDDLE Initial(s)	LAST Name	
	Maximino		Vasquez	
RESIDENCE AND CITY	State or Foreign Country	Country of Citizenship		
	California	United States of America		
POST OFFICE ADDRESS	Number and Street	City	State or Country	Zip Code
	33256 Palomino Drive	Fremont	California	94555

I further declare that all statements made herein of my own knowledge are true and that all statements made upon information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Maximino Vasquez 1-10-2000
 Signature of Inventor 1 Date

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37 C.F.R. §1.56

Duty to disclose information material to patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.
-

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

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ASSIGNMENT

WHEREAS, I, Maximino Vasquez, a citizen of the United States of America, residing at 33256 Palomino Common, Fremont, California 94555, have invented a "DVD Subpicture Rendering Without Loss of Color Resolution" for which we have executed application papers for a U.S. patent thereon which was filed on December 8, 1999, serial no. 09/458,109; and

WHEREAS, Chips and Technologies, LLC., a Delaware corporation, having a place of business 350 E. Plumeria Drive, San Jose, California 95134, is desirous of acquiring the exclusive right, title and interest in and to said invention and in and to the Letters Patent to be granted and issued therefor in the United States of America and its territories and possessions, and all countries foreign thereto;

NOW, THEREFORE, for a valuable consideration, the receipt of which is hereby acknowledged, I, Maximino Vasquez, do sell, assign, transfer and set over unto the said Chips and Technologies, LLC., its successors and assigns, the full and exclusive right, title and interest in and to said invention, and in and to any and all Letters Patent to be granted and issued therefor, not only for, to and in the United States of America, its territories and possessions, but also for, to and in all other countries including all priority rights under the International Convention; and I hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said Chips and Technologies, LLC., its successors and assigns, in accordance with this Assignment.

WITNESS MY HAND at San Jose, California, this 10 day of January, 2000.

Maximino Vasquez
Maximino Vasquez

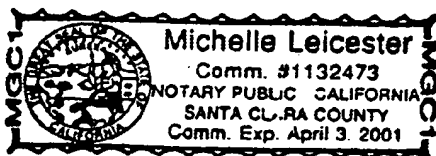
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STATE OF CALIFORNIA)

COUNTY OF SANTA CLARA) ss.

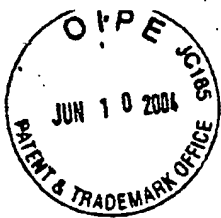
On this 10th day of JANUARY, 2000, before me, a Notary Public, personally appeared Maximino Vasquez, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacities, and that by his/her/their signature/s on the instrument the person/s or the entity upon behalf of which the person/s acted, executed the instrument.

WITNESS my hand and official seal.



Michelle Leicester
MICHELLE LEICESTER
NOTARY PUBLIC

COPY



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Assistant Commissioner for Patents
Washington, D.C. 20231

on 5/22/00
Date

Tara Hayden

REQUEST FOR EXTENSION OF TIME

Honorable Assistant Commissioner
for Patents
Washington, D.C. 20231

Dear Sir:

Applicant(s) request an extension of time of two months to the Office Action of

January 20, 2000. Enclosed is the requisite fee of \$380.00 as calculated pursuant to 37

C.F.R. §§1.17(a-c) below:

One-month extension
Two-month extension
Three-month extension
Four-month extension

Small Entity

☐ \$ 55.00
☐ \$190.00
☐ \$435.00
☐ \$680.00

Std. Fee

☐ \$ 110.00
☒ \$ 380.00
☐ \$ 870.00
☐ \$ 1,360.00

The Assistant Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 04-0025. A duplicate copy of this page is enclosed.

Respectfully submitted,
D'ALESSANDRO & RITCHIE



Marc S. Hanish
Reg. No. 42,626

Dated: May 22, 2000

D'Alessandro & Ritchie
P.O. BOX 640640
San Jose, CA 95164-0640
(408) 441-1100

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